

Customer No.: 24498
Attorney Docket No. RCA 89,520
Final Office Action dated: 10/31/08

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Remarks/Arguments

Claims 1-7 and 9-10 are pending in this application, and are rejected in the final Office Action dated October 31, 2008. No claim amendments are presented herein. However, a listing of the pending claims in this application accompanies this response for the Examiner's convenience.

Patentability of Claims 1-7 and 9-10 under 35 U.S.C. §112, First Paragraph

Applicants submit that for at least the reasons discussed below, the present claims are patentable under 35 U.S.C. §112, first paragraph.

On pages 2-3 of the final Office Action dated October 31, 2008, the Examiner alleges that the step of "using a security code associated with the handheld audio playback device to generate a decryption program" as recited, for example, by independent claim 1 (and similarly recited by the other independent claims) is not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors had possession of the claimed invention at the time the application was filed. In particular, the Examiner alleges that the "generating step" is not described.

Applicants respectfully disagree. In particular, and as acknowledged by the Examiner, Applicants' specification clearly states that "DSP 12 decrypts the decryption program using the security code" (emphasis added – see page 7, lines 24-25). In view of this description, it should be intuitive to those skilled in the art that the "generating step" may be performed by decrypting the decryption program. That is, using the "security code" to decrypt the decryption program inherently generates a [decrypted] "decryption program". Accordingly, Applicants submit that the "generating step" is in fact described by the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors had possession of the claimed invention at the time the application was filed. In view of this clarification, withdrawal of the rejection is respectfully requested.

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Patentability of Claims 1-7 and 9-10 under 35 U.S.C. §112, Second Paragraph

Applicants submit that for at least the reasons discussed below, the present claims are patentable under 35 U.S.C. §112, second paragraph.

On page 3 of the final Office Action dated October 31, 2008, the Examiner ostensibly alleges that the step of "using a security code associated with the handheld audio playback device to generate a decryption program" as recited, for example, by independent claim 1 (and similarly recited by the other independent claims) is indefinite.

Applicants respectfully disagree. As indicated above, Applicants' specification clearly states that "DSP 12 decrypts the decryption program using the security code" (emphasis added – see page 7, lines 24-25). That is, using the "security code" to decrypt the decryption program inherently generates a [decrypted] "decryption program". As such, Applicants submit that the current claim language is sufficiently clear and definite, and withdrawal of the rejection is respectfully requested.

Patentability of Claims 1-7 and 9-10 under 35 U.S.C. §103(a) over Kaganas et al. (U.S. Patent No. 6,425,018), Cho et al. (U.S. Patent No. 7,324,974) and Truong et al. (U.S. Patent No. 6,173,057)

Applicants submit that for at least the reasons discussed below, the present claims are patentably distinguishable over the cited combination of references.

Independent claim 1 recites:

"identifying a selected audio data file in response to a user input;
identifying a decoder file associated with the selected audio data file, the decoder file comprising a decoding program to control a decoding function of a digital signal processor;
transferring the selected audio data file and the associated decoder file to the digital signal processor, wherein the selected audio data file and the associated decoder file are both stored in a single removable data storage device coupled to the handheld audio playback device;

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using a security code associated with the handheld audio playback device to generate a decryption program;
decrypting the associated decoder file using the decryption program;
decrypting the selected audio data file using the decryption program" (emphasis added)

As indicated above, amended independent claim 1 defines a method for playing back an audio data file in which a security code associated with a handheld audio playback device is used to generate a decryption program. The decryption program is then used to decrypt a selected audio data file and a decoder file associated with the selected audio data file. In this manner, independent claim 1 defines an advantageous combination in which a security code associated with a handheld audio playback device is used to generate a decryption program that is then used to decrypt both a selected audio data file and a decoder file associated with the selected audio data file. Independent claims 4, 6 and 10 define subject matter similar to independent claim 1. Support for the subject matter of amendments may be found, for example, on page 7, lines 20-25 of Applicants' specification.

None of the cited references, whether taken individually or in combination, discloses or suggests, *inter alia*, the aforementioned subject matter of independent claims 1, 4, 6 and 10. On pages 5-6 of the final Office Action dated October 31, 2008, the Examiner ostensibly admits that neither Kaganas nor Cho discloses the feature of "using a security code associated with the handheld audio playback device to generate a decryption program" as recited, for example, by independent claim 1. In an attempt to remedy this admitted deficiency of Kaganas and Cho, the Examiner cites Truong and specifically alleges:

"Truong teaches that the security table, which includes various decoding algorithms, is used to create the encoded information (column 3, line 26 and lines 34-36). The decoding utilizes the unique identification specific to the recording medium to decode the data (column 4, lines 24-58). The unique encrypted signature is based on information on the recorded medium (column 4, lines 44-45) and the keys associated with decrypting the associated data and programs are also based on values found in a security table (column 3, lines 25-26 and lines 34-36). This reads on "using a security code

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associated with the handheld audio playback device to generate a decryption program". (italics original)

As indicated above, the Examiner refers to a "security table, which includes various decoding algorithms". According to column 3, lines 25-26 of Truong, these "decoding algorithms" are "in encrypted form". As best understood, Applicants assume it is the Examiner's position that one of these "decoding algorithms" of Truong corresponds to the claimed "decryption program" in the claim language "using a security code associated with the handheld audio playback device to generate a decryption program" recited above. The Examiner also refers to column 4, lines 24-58 of Truong which describe steps 101 and 102 in FIG. 1.

However, Applicants submit that the proposed combination including the teachings of Truong nowhere teaches or suggests, *inter alia*, the feature of "using a security code associated with the handheld audio playback device to generate a decryption program" as recited, for example, by independent claim 1. In particular, while Truong discloses a "security table containing decoding algorithms in encrypted form" (see again column 3, lines 25-26), there is absolutely no teaching or suggestion that any of these "decoding algorithms" is generated (or decrypted) "using a security code associated with the handheld audio playback device" as claimed.

While the Examiner ostensibly alleges that column 4, lines 24-58 of Truong disclose the aforementioned claimed feature, Applicants respectfully disagree. As indicated above, column 4, lines 24-58 of Truong describes steps 101 and 102 in FIG. 1. Step 101 in FIG. 1 of Truong is a "check identity parameter" step in which an identity parameter of a recording medium is compared with a parameter prerecorded in a hardware security device to verify a match or predetermined relationship between the two (see column 4, lines 26-31). In this manner, step 101 is performed to correctly identify the particular recording medium, but "does not give the user access to the information stored on the medium" (see column 4, lines 33-37). As such, step 101 in FIG. 1 of Truong nowhere teaches or suggests, *inter alia*, that any of the "decoding algorithms" (one of which is presumed to allegedly correspond to the claimed "decryption program") contained in its "security table"

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(see again column 3, lines 25-26) is generated (or decrypted). Accordingly, step 101 in FIG. 1 of Truong nowhere teaches or suggests, *inter alia*, the claimed feature of "using a security code associated with the handheld audio playback device to generate a decryption program" as recited, for example, by independent claim 1.

Step 102 in FIG. 1 of Truong is a "check content" step in which the integrity of the contents of the recording medium are verified by comparing an encrypted signature stored on the recording medium with a signature calculated based on information taken from the recording medium (see column 4, lines 38-45). However, step 102 in FIG. 1 of Truong nowhere teaches or suggests, *inter alia*, that any of the "decoding algorithms" (one of which is presumed to allegedly correspond to the claimed "decryption program") contained in its "security table" (see again column 3, lines 25-26) is generated (or decrypted). Accordingly, step 102 in FIG. 1 of Truong nowhere teaches or suggests, *inter alia*, the claimed feature of "using a security code associated with the handheld audio playback device to generate a decryption program" as recited, for example, by independent claim 1. Applicants further note that none of the steps in FIG. 1 (i.e., the sole drawing figure) of Truong discloses or suggests the aforementioned claimed feature.

Accordingly, Applicants submit that even if it is proper to combine the cited references in the manner proposed in the final Office Action dated October 31, 2008, the proposed combination of references still fails to disclose or suggest each and every limitation of the present claims. Therefore, Applicants respectfully submit that independent claims 1, 4, 6 and 10, and the claims that depend therefrom, are patentably distinguishable over the proposed combination of references, and withdrawal of the rejection is respectfully requested.

Conclusion

Having fully addressed the Examiner's rejections it is believed that, in view of the preceding remarks/arguments, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully

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solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the Applicants' attorney at (609) 734-6815, so that a mutually convenient date and time for a telephonic interview may be scheduled.

Respectfully submitted,
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